

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Kevin Ashby,

Plaintiffs,

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Autumn Park Apartments, and
United Towing, Inc.,

Defendants.

Civ. No. 07-4766 (PJS/RLE)

* * * * *

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Plaintiffs' Application to Proceed In Forma Pauperis [Docket No. 2] is denied, as moot.
2. That this action is summarily dismissed, but without prejudice, pursuant to Title 28 U.S.C. §1915(e)(2)(B)(ii).

Dated: 01/14/08

s/Patrick J. Schiltz

Patrick J. Schiltz, Judge
United States District Court